

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S East Riverside Ave., 660 ft. * ZONING COMMISSIONER
N of Bay Avenue
1136 East Riverside Avenue * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District * Case No. 95-476-A
Thomas A. Hughes, et ux
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Thomas A. Hughes and Jacqueline M. Hughes, his wife, for that property known as 1136 East Riverside Avenue in the Back River Neck Park subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 ft. in lieu of the required 10 ft, for a proposed second story addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

MICROFILMED

ORDER RECEIVED FOR FILING
Date 7/20/95
By M. Howard

upon the Petitioners.

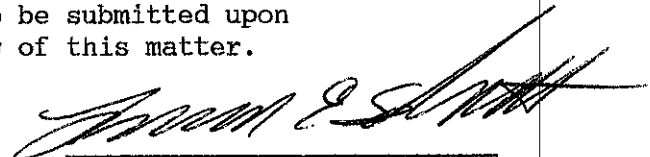
This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1995 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 ft., in lieu of the required 10 ft, for a proposed second story addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management (DEPRM) recommendations to be submitted upon completion of their review of this matter.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/20/95
By M. Davis

LES:mmn

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 20, 1995

Mr. and Mrs. Thomas A. Hughes
1136 East Riverside Avenue
Baltimore, Maryland 21221

RE: Petition for Administrative Variance
Case No. 95-476-A
Property: 1136 East Riverside Avenue

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



CRITICAL AREA

417



Petition for Administrative Variance

95-476-A

to the Zoning Commissioner of Baltimore County

for the property located at

1136 East Riverside Avenue

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 TO PERMIT A SIDE YARD SETBACK OF 6 FT. IN LIEU OF THE REQUIRED 10 FT. FOR A PROPOSED 2ND STORY ADDITION.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

- 1) Can't expand toward the front (Waterside) because of Chesapeake Bay tidal wetlands, 100 ft. buffer.
- 2) It is not practical to expand towards rear because of existing garage and layout of existing house.
- 3) Not able to widen existing structure due to Chesapeake Bay critical area permeability requirements.
- 4) Existing house is under standard width. By overhanging the proposed 2nd floor, standard width and architectural appeal will be able to be achieved.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Thomas A. Hughes

(Type or Print Name)

Thomas A. Hughes

Signature

Jacqueline M. Hughes

(Type or Print Name)

Jacqueline M. Hughes

Signature

1136 East Riverside Avenue 391-5453

Address

Phone No.

Baltimore

Maryland

21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Thomas A. Hughes

Name

1136 East Riverside Avenue H-391-5453

Address

Phone No.

W-793-3905

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

MICROFILMED

Zoning Commissioner of Baltimore County

REVIEWED BY: *[Signature]*

DATE: 6/22/95

7/2/95

ESTIMATED POSTING DATE:



Printed with Soybean Ink on Recycled Paper

ITEM #: 417

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1136 East Riverside Avenue

address

Baltimore, Maryland

21221

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

- 1) Can't expand toward the front (waterside) because of Chesapeake Bay tidal wet lands, 100 ft. buffer.
- 2) It is not practical to expand towards rear because of existing garage and layout of existing house.
- 3) Not able to widen existing structure due to Chesapeake Bay Critical area permeability requirements.
- 4) Existing house is under standard width. By overhanging the proposed 2nd floor, standard width and Architectural appeal will be able to be achieved.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Thomas A. Hughes
(signature)

Thomas A. Hughes

(type or print name)



Jacqueline M. Hughes
(signature)

Jacqueline M. Hughes

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of June, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas & Jacqueline Hughes

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief,

AS WITNESS my hand and Notarial Seal.

June 9, 1995
date

NOTARY PUBLIC

My Commission Expires:

Sept. 1, 1998

MICROFILMED

411

95-476-A

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned is the fee simple owner of certain parcel of land with a street address of 1138 East Riverside Avenue, (the "Warrick parcel"). The Warrick parcel is located immediately adjacent to a certain parcel of land owned in fee simple by Thomas and Jacqueline Hughes, as tenants by the entireties, with a street address of 1136 East Riverside Avenue (the "Hughes' parcel"). The Warrick parcel is immediately adjacent to the Hughes' parcel.

The fee simple owner of the Hughes parcel is desirous of constructing a second story addition to the building located on the Hughes parcel. Pursuant to such construction, the fee simple owner of the Hughes' parcel has petitioned Baltimore County for a variance from a Baltimore County mandated side yard set back requirement.

The undersigned hereby certifies under the penalties of perjury that the undersigned: (i) has been furnished or has reviewed the relevant plans showing the contemplated construction of the second story addition to the building located on the Hughes' parcel; (ii) acknowledges the fact that the proposed Baltimore County mandated side yard set back requirement; (iii) does not object to said encroachment by the proposed construction of the second story addition.

WITNESS:

Thomas D. Hughes

Thomas D. Hughes

SIGNED:

Annette Warrick (SEAL)

William Warrick (SEAL)

STATE OF Maryland, County of Baltimore, to wit:

On this 9th day of June 1995, before me, June Scanlon, the undersigned officer, personally appeared William + Annette Warrick, who executed the foregoing affidavit for the purpose therein contained.

June Scanlon
Notary Public

My Commission Expires: Sept 1, 1998

RECEIVED

- Zoning Description -

A11
95-476-A

ZONING DESCRIPTION FOR 1136 East Riverside Avenue
(address)
Election District 15 Councilmanic District 5

Beginning at a point on the West side of East Riverside
(north, south, east or west)

Avenue which is 30 Feet
(street on which property fronts) (number of feet of right-of-way width)

wide at a distance of 660' North of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Bay Avenue
(name of street)

which is 35 Feet wide. *Being Lot # 63
(number of feet of right-of-way width)

Parcel
Block 06, Section # 226 in the subdivision of

Back River Neck Park as recorded in Baltimore County Plat
(name of subdivision)

Book # 07, Folio # 0714, containing

14,950 sq. ft. or .3432 acres.
(square feet and acres)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-476-A

District 1526 Date of Posting 7/1/95

Posted for: Variance

Petitioner: Thomas + Jac. Hughes

Location of property: 1136 E. Riverside Ave., MS

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by M. H. H. H. Date of return: 7/7/95
Signature

Number of Signs: 1

RECEIVED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

95-76-A

No.

003615

A17#

DATE 6/22/95 ACCOUNT R0016150

AMOUNT \$ 85.00

RECEIVED FROM: HUGHES. MICROFILMED

FOR: RV. ADMIN 1136 EAST Riverside DR.

02A0280045MTCRC

\$85.00

BA 0010143AND6-22-95

VALIDATION OR SIGNATURE OF CASHIER

CUSTOMER

477

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: _____ Item No.: 477

Petitioner: Hughes Thomas

LOCATION: 1136 EAST Riverside Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Thomas A. Hughes

ADDRESS: 1136 East Riverside Ave
Baltimore MD 21221

PHONE NUMBER: W 391-5453
W 793-3905

AJ:ggs
(Revised 3/29/93)

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-476-A (Item 477)
1136 East Riverside Avenue
W/S East Riverside Avenue, 660' N of Bay Avenue
15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 2, 1995. The closing date (July 17, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Thomas and Jacqueline Hughes

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

Mr. and Mrs. Thomas A. Hughes
1136 East Riverside Avenue
Baltimore, Maryland 21221

RE: Item No.: 477
Case No.: 95-476-A
Petitioner: T. A. Hughes, et ux

Dear Mr. and Mrs. Hughes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM
FROM: Pat Keller, Director, OPZ
SUBJECT: 1136 East Riverside Avenue

DATE: July 5, 1995

INFORMATION:

Item Number: 477
Petitioner: Hughes Property
Property Size: _____
Zoning: DR-5.5
Requested Action: Administrative Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a setback of 6' in lieu of the required 10'.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Klem

PK/JL

RECEIVED
JUL 11 1995

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

RECEIVED

JUL 5 1995

ZADM

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475,
476 AND 477

MICROFILMED

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County

Item No.: 477 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

RECEIVED

Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

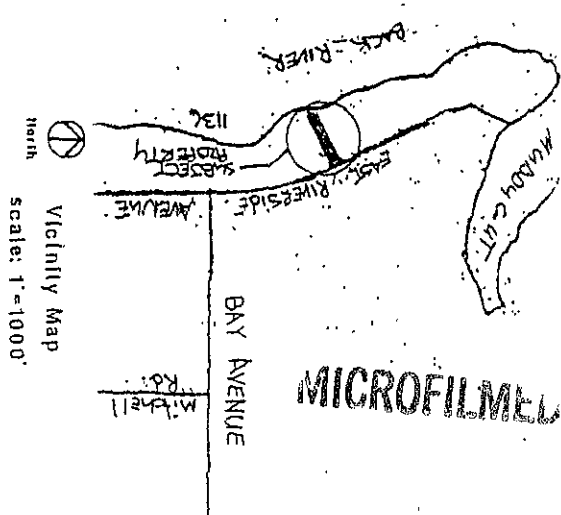
10

95-476-A

95-476-A



Ref No



Vicinity Map
scale: 1"=1000'

SE 2-1)

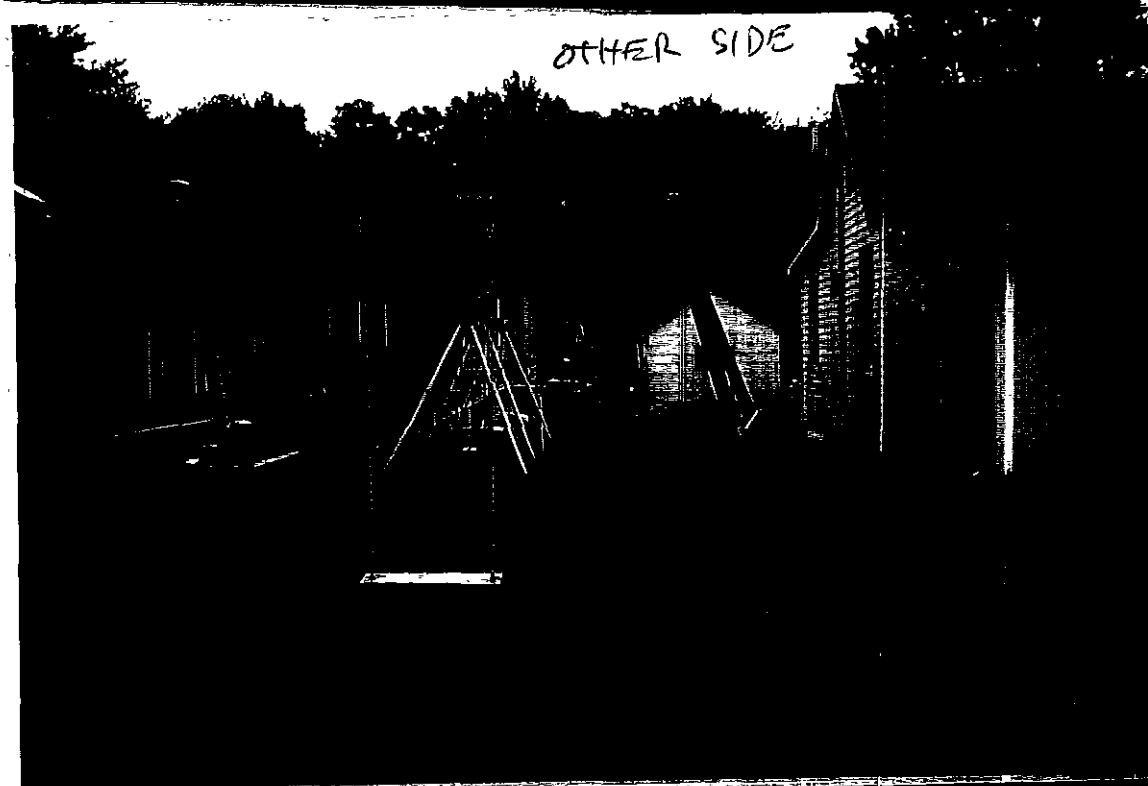
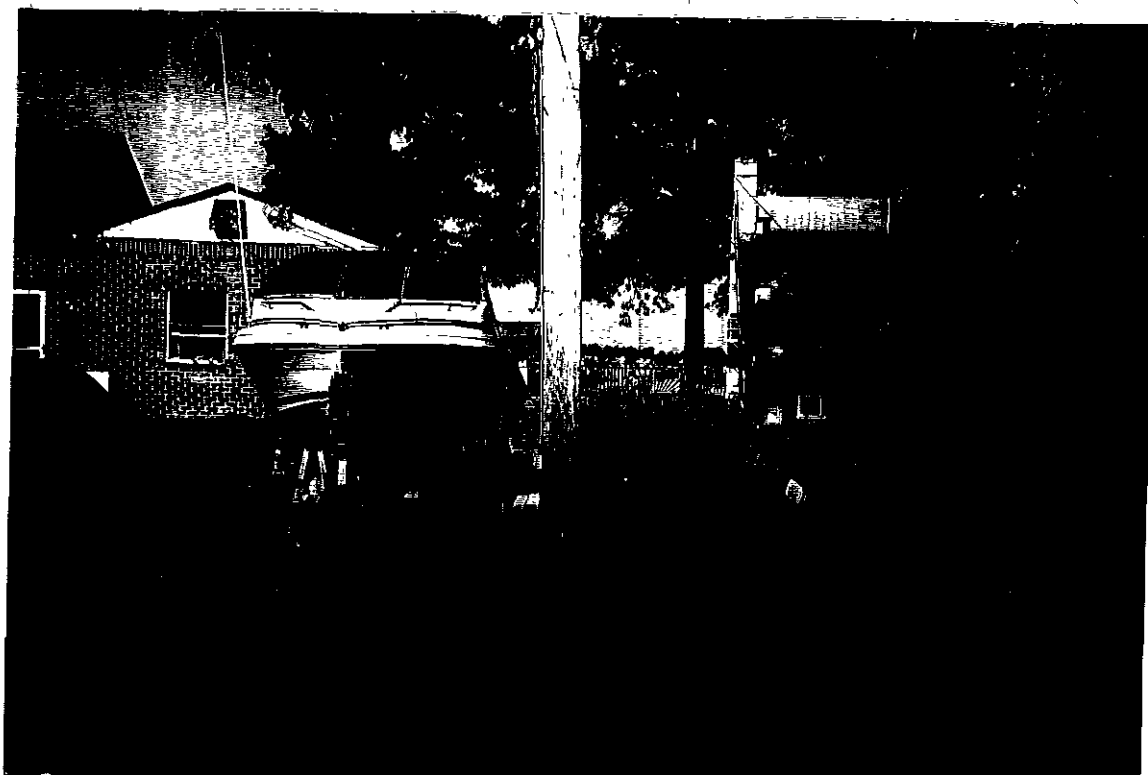
14,950
square feet

	public	private
SEWER:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
al Area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A		

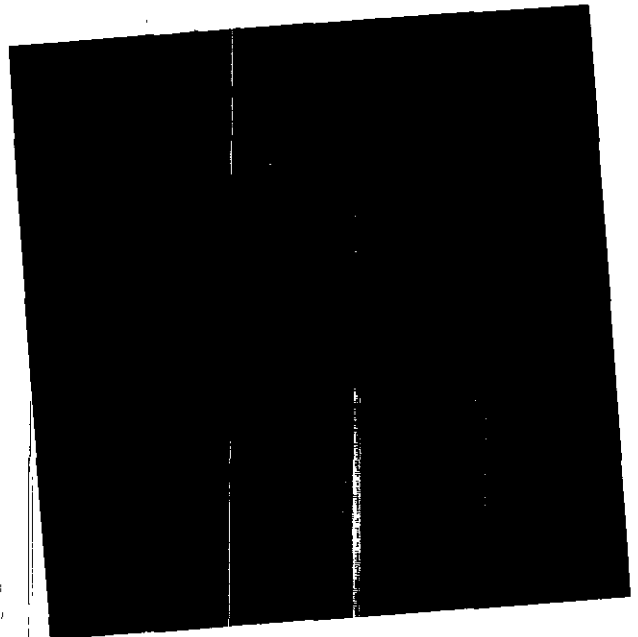
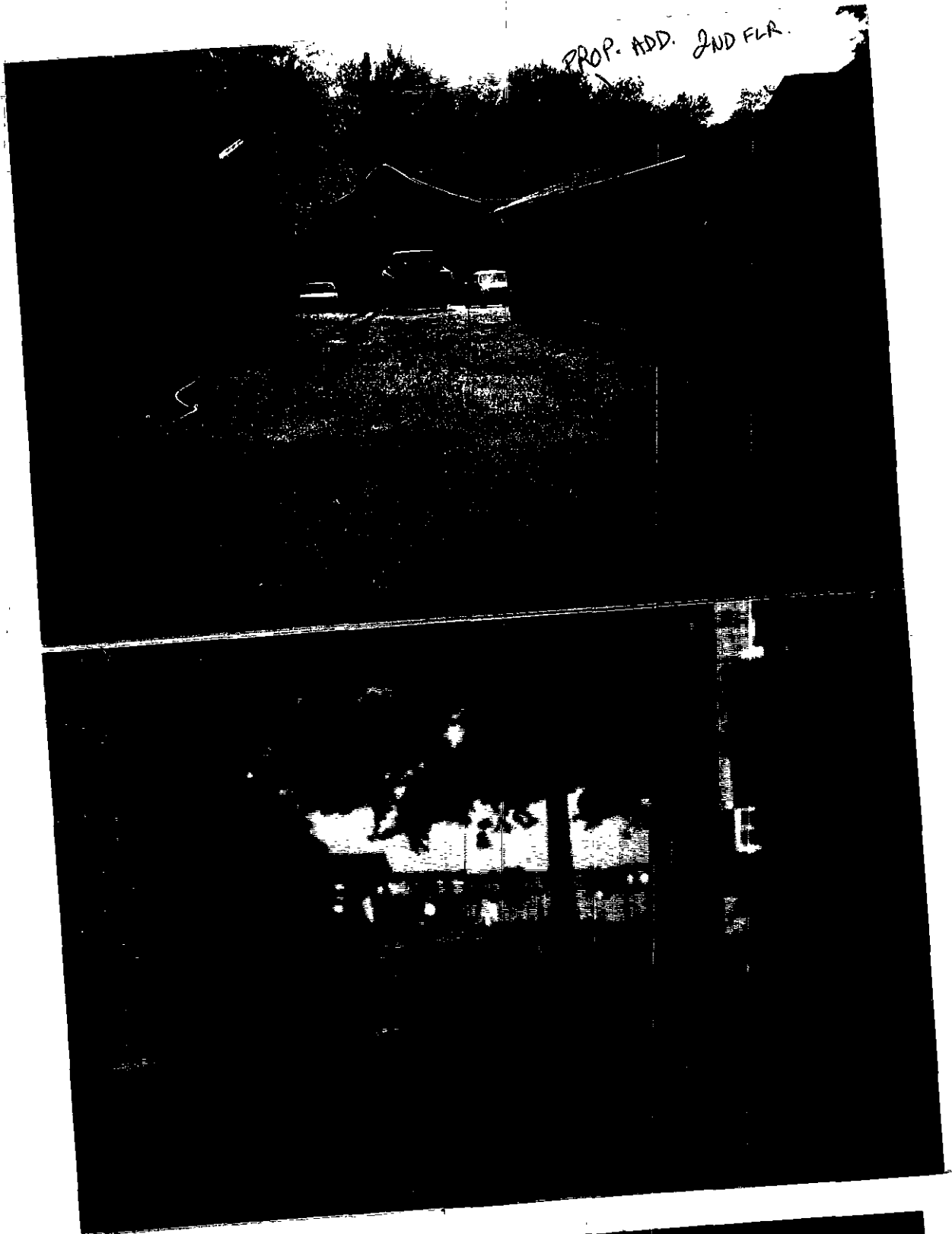
USE ONLY 1

#: CASE#:

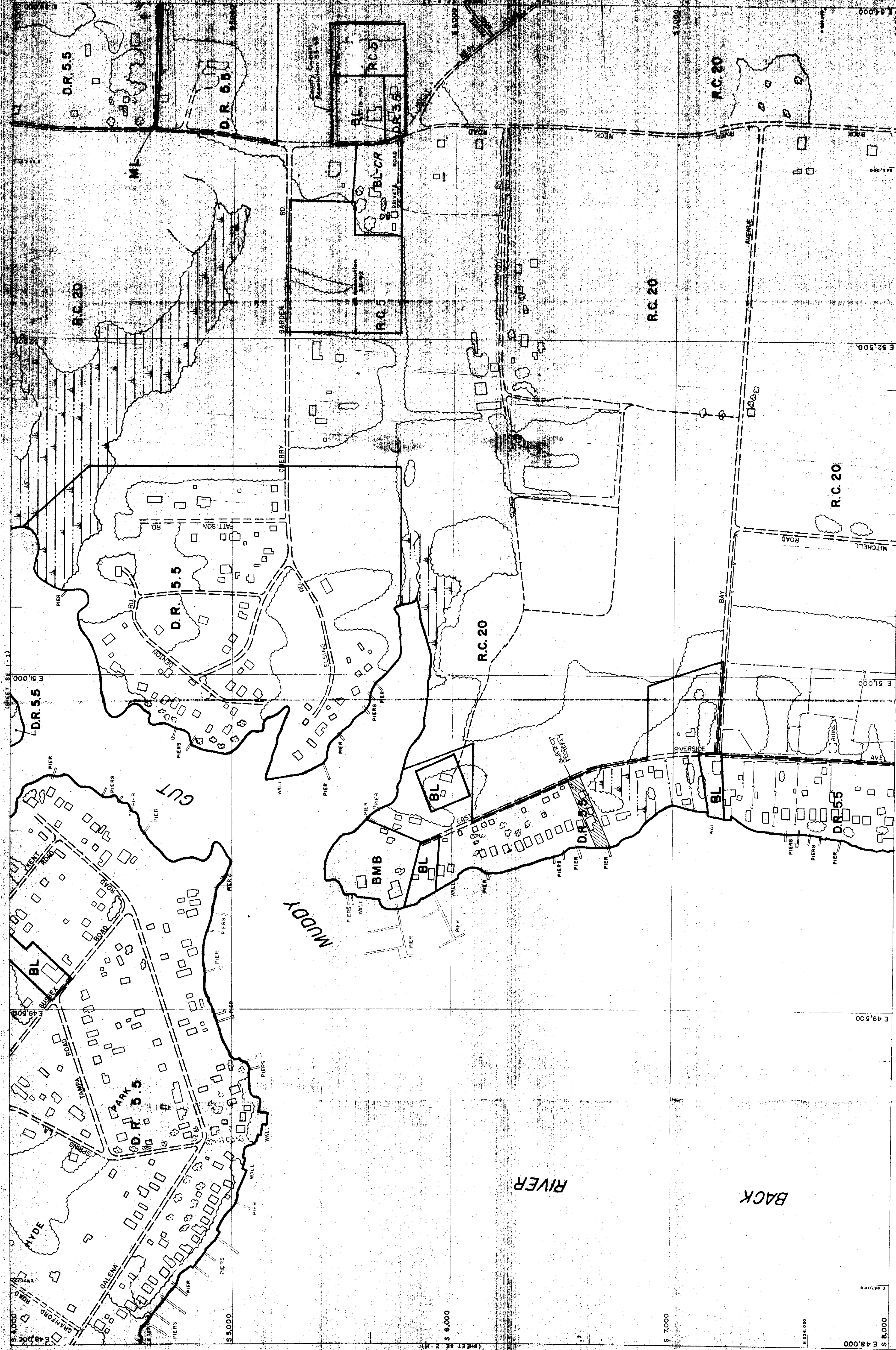
57



95-475-A



MICROFILMED



1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 Nos. 93-92, 94-92, 95-92, 96-92, 97-92, 98-92, 99-92	SCALE 1" = 200' ±	LOCATION BACK RIVER NECK MICROFILMED	SHEET S.E. 2-1
	DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Edith A. Hunsicker
Chairman, County Council

95-476-A



SHEET

LOCATION

SCALE

S. E.

BACK RIVER NECK

1" = 200' ±

DATE OF PHOTOGRAPHY JANUARY 1988

MICROFILMED

95-476-A BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S East Riverside Ave., 660 ft. * ZONING COMMISSIONER
N of Bay Avenue * OF BALTIMORE COUNTY
1136 East Riverside Avenue * Case No. 95-476-A
15th Election District *
5th Councilmanic District *
Thomas A. Hughes, et ux
Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Thomas A. Hughes and Jacqueline M. Hughes, his wife, for that property known as 1136 East Riverside Avenue in the Back River Neck Park subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 ft. in lieu of the required 10 ft. for a proposed second story addition. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 1995 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 6 ft., in lieu of the required 10 ft. for a proposed second story addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management (DEPRM) recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 20, 1995

Mr. and Mrs. Thomas A. Hughes
1136 East Riverside Avenue
Baltimore, Maryland 21221

RE: Petition for Administrative Variance
Case No. 95-476-A
Property: 1136 East Riverside Avenue

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

CRITICAL AREA

417

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1136 East Riverside Avenue
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 TO PERMIT A SIDE YARD SETBACK OF 6 FT. IN LIEU OF THE REQUIRED 10 FT. FOR A PROPOSED 2ND STORY ADDITION.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1) Can't expand toward the front (waterside) because of Chesapeake Bay tidal wet lands, 100 ft. buffer. 2) It is not practical to expand towards rear because of existing garage and layout of existing house. 3) Not able to widen existing structure due to Chesapeake Bay critical area permeability requirements. 4) Existing house is under standard width. By overhanging the proposed 2nd floor, standard width and architectural appeal will be able to be achieved. Property is to be posted and advertised as prescribed by Zoning Regulations. 5. or we agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)
Legal Owner(s):
Thomas A. Hughes
Type or Print Name:
Signature: Thomas A. Hughes
Jacqueline M. Hughes
Type or Print Name:
Signature: Jacqueline M. Hughes
Address: 1136 East Riverside Avenue 391-5453
City: Baltimore Maryland 21221
State: Maryland
Name, Address and phone number of representative to be contacted:
Thomas A. Hughes
Name: Thomas A. Hughes
Address: 1136 East Riverside Avenue R-391-5453
City: Baltimore Maryland 21221
State: Maryland
Phone No.: 391-5453

A Public Hearing having been reviewed and held to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 20th day of July, 1995, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County, in a newspaper of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

ITEM #: 417

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury in the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1136 East Riverside Avenue
Baltimore, Maryland 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

- 1) Can't expand toward the front (waterside) because of Chesapeake Bay tidal wet lands, 100 ft. buffer.
- 2) It is not practical to expand towards rear because of existing garage and layout of existing house.
- 3) Not able to widen existing structure due to Chesapeake Bay Critical area permeability requirements.
- 4) Existing house is under standard width. By overhanging the proposed 2nd floor, standard width and Architectural appeal will be able to be achieved.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Thomas A. Hughes
Signature
Thomas A. Hughes
(Type or Print Name)
Jacqueline M. Hughes
Signature
Jacqueline M. Hughes
(Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of June, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas & Jacqueline Hughes

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 9, 1995

My Commission Expires: Sept 1, 1998

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned is the fee simple owner of certain parcel of land with a street address of 1136 East Riverside Avenue, (the "Warwick parcel"). The Warwick parcel is located immediately adjacent to a certain parcel of land owned in fee simple by Thomas and Jacqueline Hughes, as tenants by the entirety, with a street address of 1136 East Riverside Avenue (the "Hughes" parcel). The Warwick parcel is immediately adjacent to the Hughes' parcel.

The fee simple owner of the Hughes parcel is desirous of constructing a second story addition to the building located on the Hughes parcel. Pursuant to such construction, the fee simple owner of the Hughes' parcel has petitioned Baltimore County for a variance from a Baltimore County mandated side yard set back requirement.

The undersigned hereby certifies under the penalties of perjury that the undersigned: (i) has been furnished or has reviewed the relevant plans showing the contemplated construction of the second story addition to the building located on the Hughes' parcel; (ii) acknowledges the fact that the proposed Baltimore County mandated side yard set back requirement; (iii) does not object to said encroachment by the proposed construction of the second story addition.

WITNESS:

SIGNED:

Thomas A. Hughes (SEAL)

Thomas A. Hughes (SEAL)

STATE OF Maryland, County of Baltimore, to wit:

On this 9th day of June, 1995, before me, the undersigned officer, personally appeared William Warwick, who executed the foregoing affidavit for the purpose therein contained.

My Commission Expires: Sept 1, 1998

- Zoning Description -

ZONING DESCRIPTION FOR 1136 East Riverside Avenue
Election District 15 (address) 5 Councilmanic District
Beginning at a point on the West side of East Riverside Avenue (north, south, east or west) which is 30 Feet (number of feet of right-of-way width) (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 660' North (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street Bay Avenue (name of street) which is 35 Feet wide (number of feet of right-of-way width) (name of street) Block 06 Section 226 in the subdivision of Back River Neck Park (name of subdivision) as recorded in Baltimore County Plat Book 07 Folio 0714 containing 14,950 sq. ft. or .3432 acres (square feet and acres)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 7/1/95
Posted for: Thomas & Jacqueline Hughes
Petitioner: Thomas & Jacqueline Hughes
Location of property: 1136 East Riverside Ave, MD
Location of Sign: 1136 East Riverside Ave, property being posted
Remarks:
Posted by: [Signature] Date of return: 7/1/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 6/22/95 ACCOUNT R0016150
AMOUNT \$ 85.00
RECEIVED FROM: HUGHES
FOR: RV. ADMIN 1136 EAST RIVERSIDE DR.
DEPT. BONAVENTURE
PA. 0016150-00-05 \$85.00
VALIDATION OR SIGNATURE OF CASHIER



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising:

Case No.: _____ Item No.: 427

Petitioner: Hughes Thomas

LOCATION: 1136 East Riverside Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Thomas A. Hughes

ADDRESS: 1136 East Riverside Ave
Baltimore MD 21221

PHONE NUMBER: 410-945-3
or 713-3745

AL:ggg
(Revised 3/29/93)



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 27, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-476-A (Item 477)
1136 East Riverside Avenue
W/S East Riverside Avenue, 660' W of Bay Avenue
15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 2, 1995. The closing date (July 17, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon

Arnold Jablon
Director
Department of Permits and Development Management

cc: Thomas and Jacqueline Hughes

Printed with Soybean Ink
on Recycled Paper



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 10, 1995

Mr. and Mrs. Thomas A. Hughes
1136 East Riverside Avenue
Baltimore, Maryland 21221

RE: Item No.: 477
Case No.: 95-476-A
Petitioner: T. A. Hughes, et ux

Dear Mr. and Mrs. Hughes:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: July 5, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1136 East Riverside Avenue

INFORMATION:

Item Number: 477
Petitioner: Hughes Property
Property Size: _____
Zoning: DR-5.5
Requested Action: Administrative Variance
Hearing Date: 7/1

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a setback of 6' in lieu of the required 10'.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: *Jeffrey W. Long*
Division Chief: *Pat Keller*
PK/JL

ITEM477/PZONE/ZAC1



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUL. 03, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 468, 469, 473, 474, 475, 476 AND 477

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

O. James Lightizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 477(JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

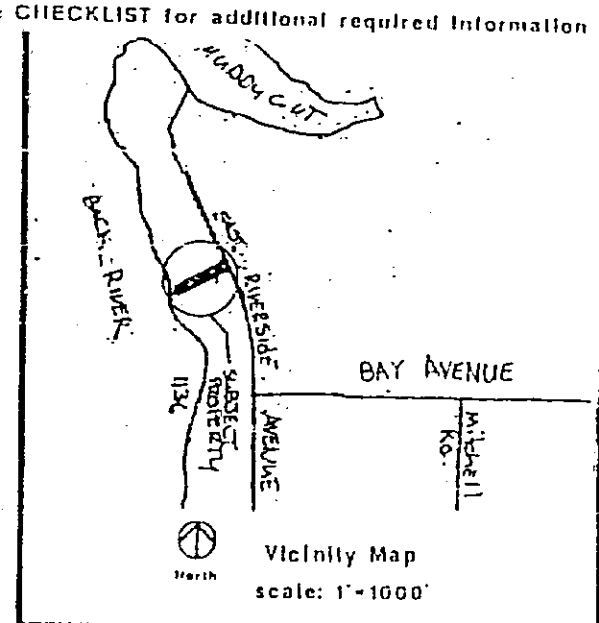
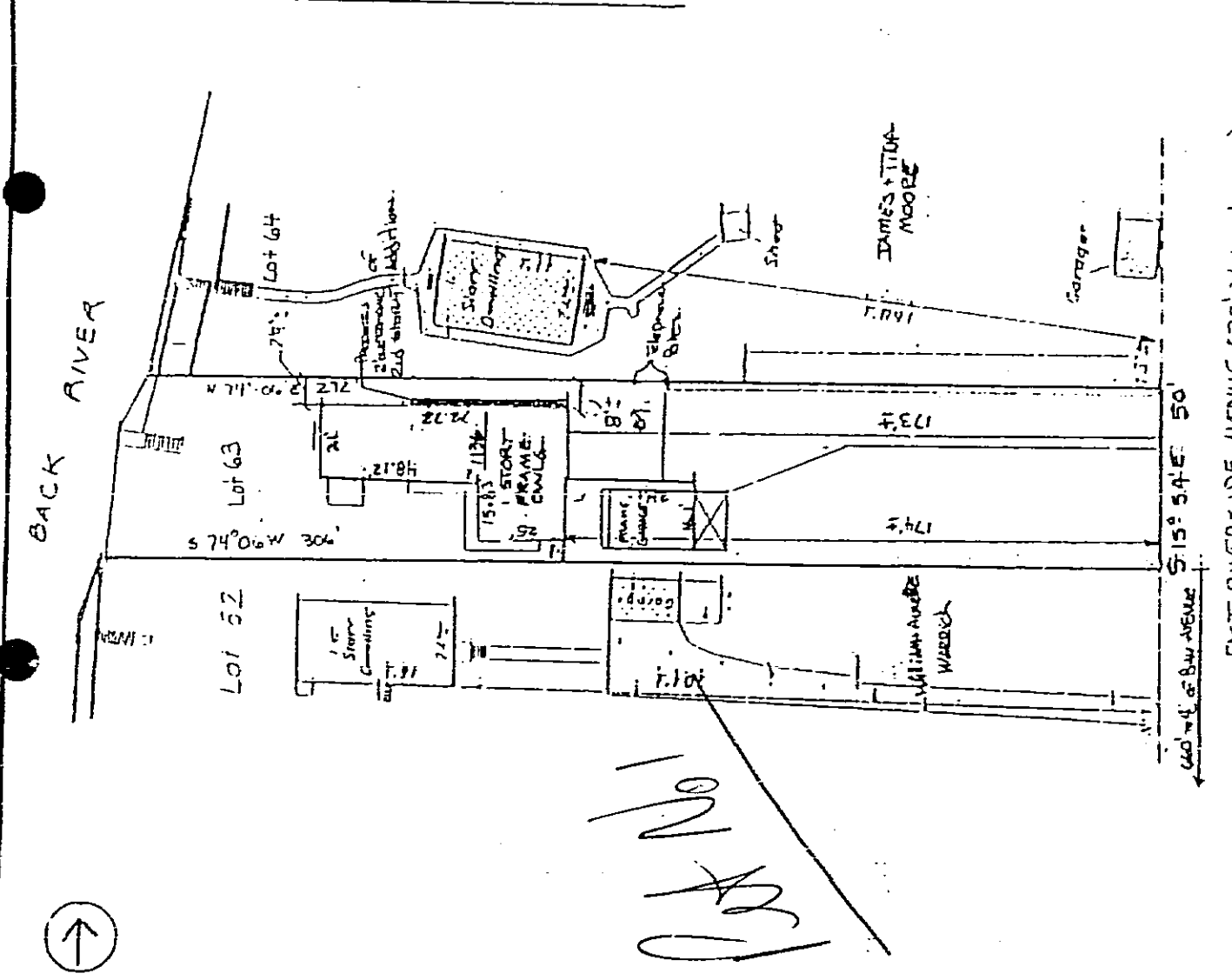
Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

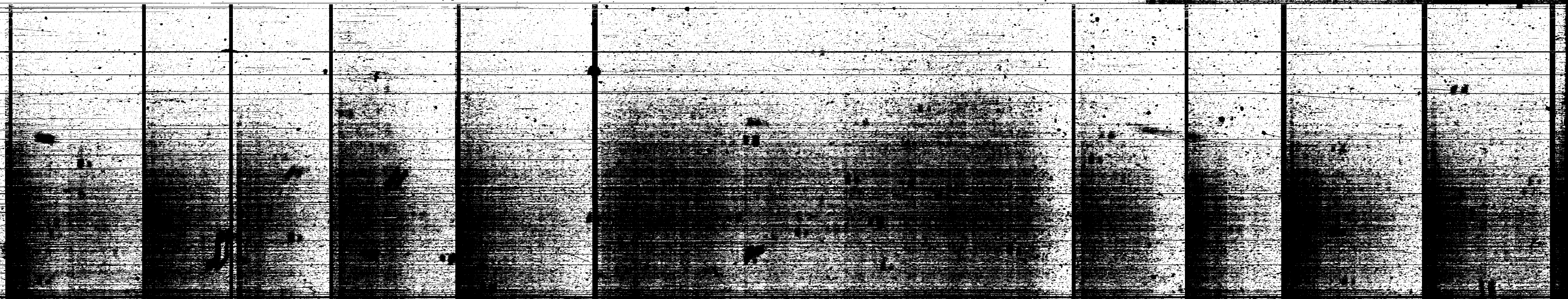
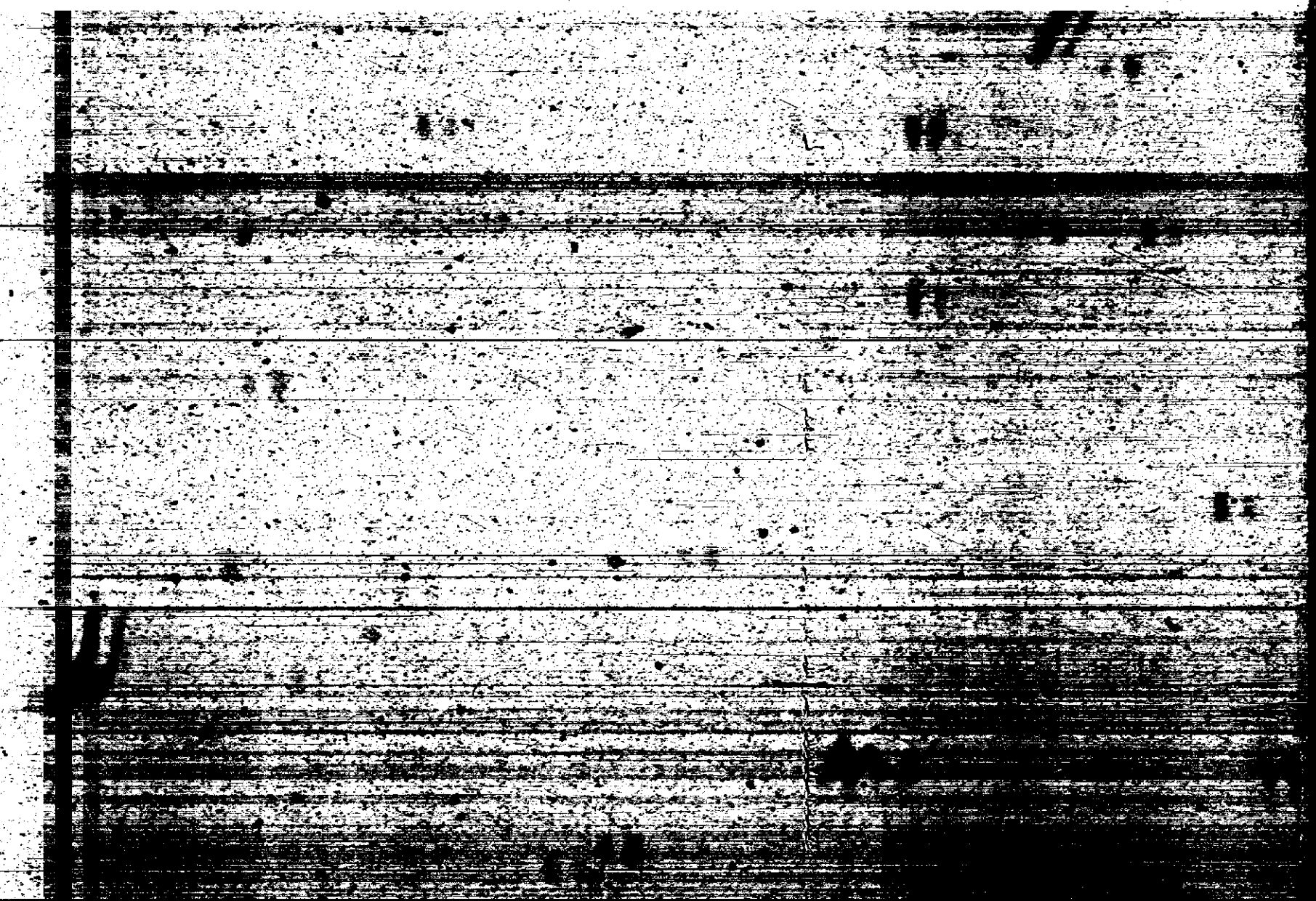
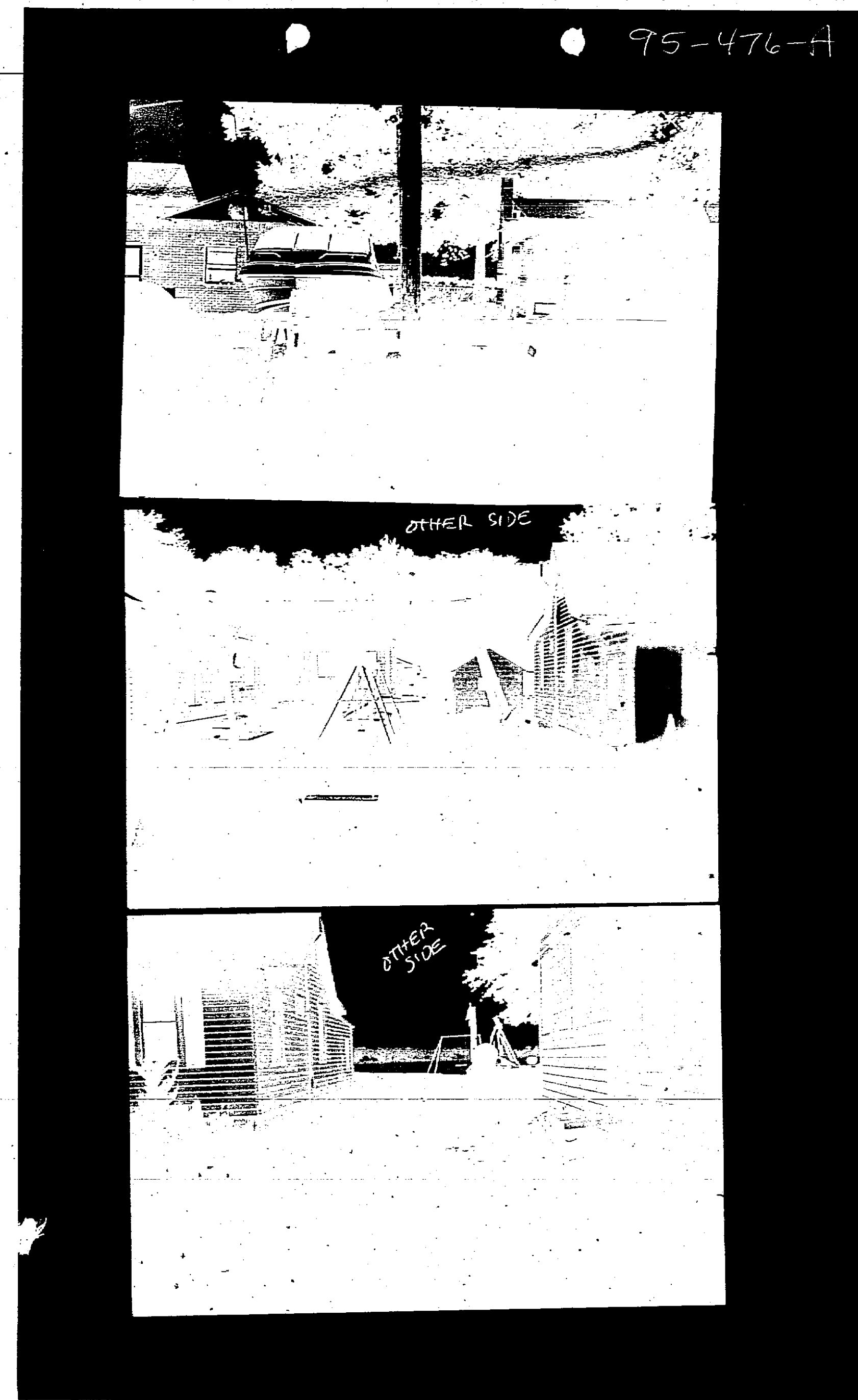
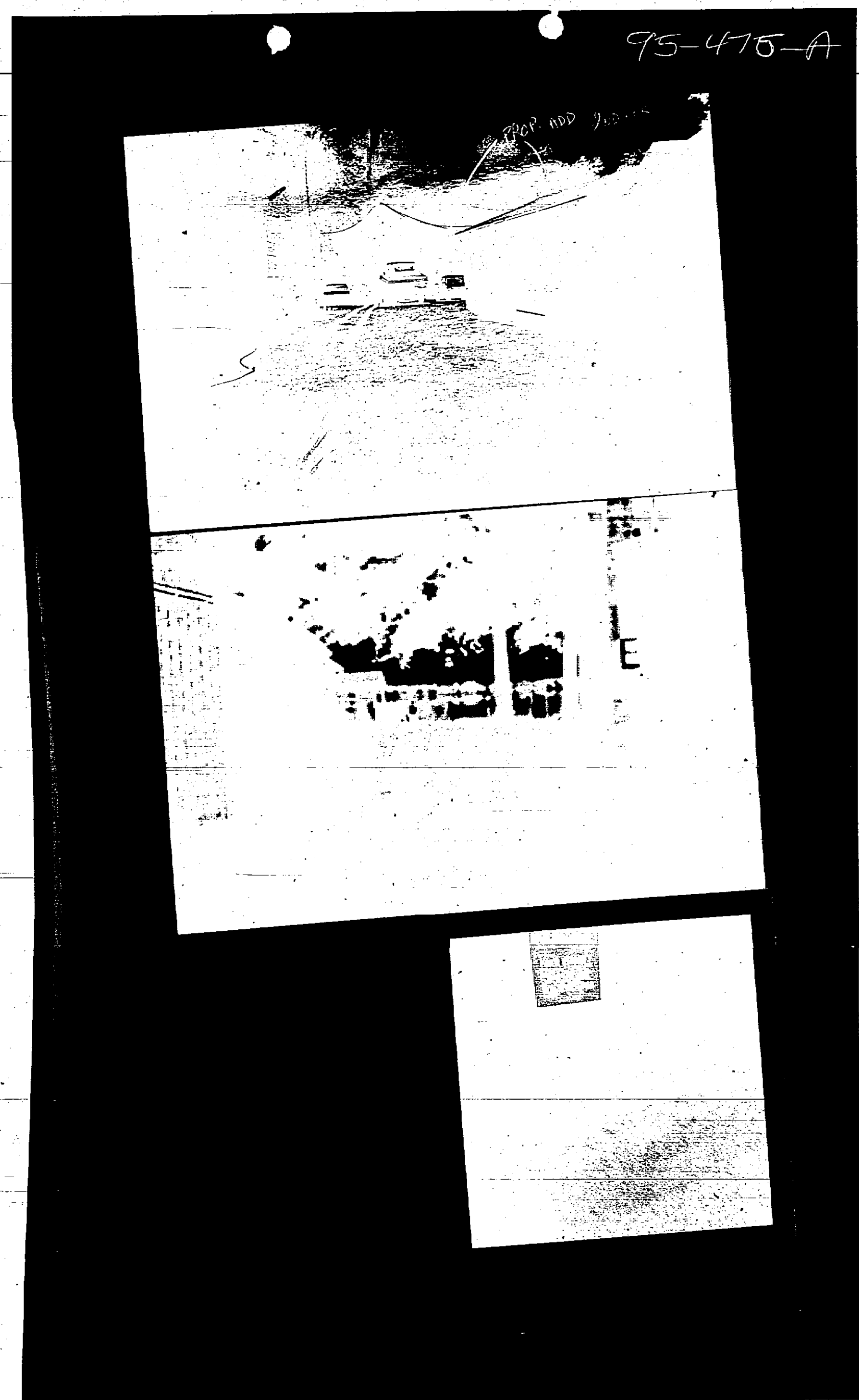
Plat to accompany Petition for Zoning Variance Special Hearing

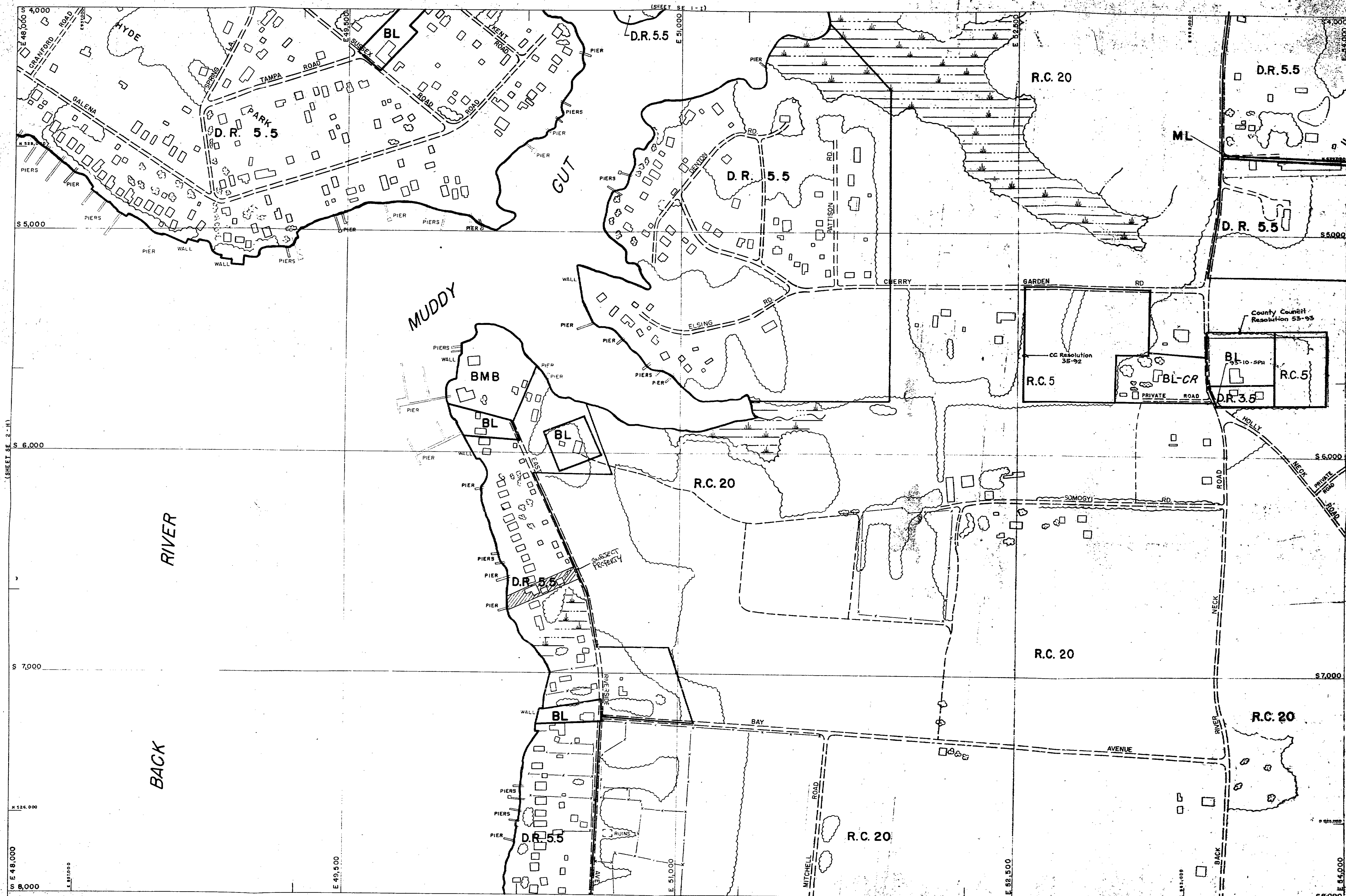
PROPERTY ADDRESS: 1136 East Riverside Avenue
Subdivision name: Back River Neck Park
Plat book: 02, folio 071A, lot 63, section 63
OWNER: Thomas A. & Jacqueline H. Hughes



LOCATION INFORMATION
Election District: 15
Councilmanic District: 5
1"=200' scale map: (SE 2-1)
Zoning: DR 5.5
Lot size: 14,950 square feet
SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: N/A

Zoning Office USE ONLY
reviewed by: _____ ITEM #: _____ CASE#: _____
JL 477





E-NE	<p align="center">BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP</p>			<p>1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992</p> <p><i>William A. Howard</i> Chairman, County Council</p>	<p>SCALE 1" = 200'</p> <p>DATE OF PHOTOGRAPHY JANUARY 1986</p>	<p>LOCATION BACK RIVER NECK</p>	<p>SHEET S.E. 2-1</p>
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THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

95-476-A



95-476-11-A BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER NECK	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986		2-1